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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,267	10/23/2003	Youbao Peng	03640'LH	1589
1933	7590	08/23/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,267

Applicant(s)

PENG ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-38 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamaoki (US 6,684,037).
3. Tamaoki (...037) discloses an image forming device including a fixing device of an image forming apparatus for thermally fixing a toner image formed on a transfer material, the fixing device, comprising: a heating roller (2) having a heating device (4); and a temperature detector (5) which is spaced away from the heating roller, and which comprises: a surface temperature detecting sensor (9) for detecting a temperature of a surface of the heating roller, a compensation temperature sensor (10) for detecting an ambient temperature of the surface temperature detecting sensor, and a casing (6) having an opening portion (7) at a first position and a portion enclosed by the casing at a second position (figures 2 and 3), wherein the surface temperature detecting sensor is placed at the first position such that heat radiation of the heating roller is directly incident through the opening to the surface temperature detecting sensor, and the

compensation temperature sensor is placed at the second position (figure 3), wherein the opening portion is disposed so as not to enter a region between a vertical plane containing a central axis of the heating roller and a tangential plane to a circumferential surface of the heating roller parallel to the vertical plane (figures 2 and 3), and wherein a central portion of the surface temperature detecting sensor faces the central axis of the heating roller (figures 2 and 3). The second position is a position at which the heat radiation of the heating roller is not directly incident (figure 3). For each of the surface temperature detecting sensor and the compensation temperature detecting sensor, an angle between a straight line drawn from a central position of the sensor perpendicularly to the central axis of the heating roller, which represents a shortest distance between the central position and the central axis, and a plane containing a surface of the sensor is in the range of 90 ± 5 degrees (figures 2 and 3). The casing (6) for accommodating the two sensors of the temperature detecting device and a mounting member to be attached to the casing are made of a material having a good thermal conductivity (col. 6, lines 1-7). Except for an area exposed by the opening portion, the two sensors are covered by the casing (figure 3). A calculating device for calculating the surface temperature of the heating roller on the basis of outputs of the two sensors, and a controller for controlling a temperature of the fixing device according to the calculated surface temperature (col. 5, line 7 – col. 6, line 62).

Allowable Subject Matter

4. Claims 7-38 are allowed.

Response to Arguments

5. Applicant's arguments filed 6/10/05 have been fully considered but they are not persuasive.

6. Applicant argues that the surface temperature sensor (9) and the compensation temperature sensor (10) of Tamaoki (US 6,684,037) are not positioned as claimed; however, this is incorrect. As illustrated in figure 2, in relation to the surface temperature sensor (9), an angle between a straight line drawn from a central position of the sensor perpendicularly to the central axis of the heating roller, which represents a shortest distance between the central position and the central axis, and a plane containing a surface of the sensor is within the range of 90 ± 5 degrees, where the angle disclosed by figure 2 is about 88 degrees on one side of the straight line and about 92 degrees on the other side of the straight line. Figure 3 of Tamaoki (...037) discloses that the compensation temperature sensor is located in a straight line directly behind the surface temperature sensor, thus also meeting the positioning limitation of claim 3.

Final Rejection

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sandra L. Brase
Primary Examiner
Art Unit 2852

August 22, 2005